

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

MICHAEL PAJACZKOWSKI,

Defendant.

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 7/26/2023

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CONSENT PRELIMINARY ORDER  
OF FORFEITURE AS TO SPECIFIC  
PROPERTY/  
MONEY JUDGMENT

15 Cr. 606 (AT)

WHEREAS, on or about September 2, 2015, MICHAEL PAJACZKOWSKI (the “Defendant”), was charged in a four-count Information, 15 Cr. 606 (AT) (the “Information”), with conspiracy to commit wire fraud and mail fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Counts Two and Four); and conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Three of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, of all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One and Three of the Information;

WHEREAS, the Information included a second forfeiture allegation as to Counts Two and Four of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of all property, real and personal, involved in the offenses alleged in Counts Two and Four of the Information;

WHEREAS, on or about September 2, 2015, the Defendant pled guilty to Counts One through Four of the Information, pursuant to an agreement with the Government, wherein the

Defendant admitted the forfeiture allegations with respect to Counts One through Four and agreed to forfeit to the United States, a sum of money equal to all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One and Three of the Information, and all property, real and personal, involved in the offenses alleged in Counts Two and Four of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$6,719,164.44 in United States currency, representing the amount of proceeds traceable to the offenses charged in Count One and Three of the Information that the Defendant personally obtained, and property involved in the offenses charged in Counts Two and Four of the Information;

WHEREAS, the Defendant further consents to the forfeiture of all his right, title and interest in the following specific property, which constitutes proceeds traceable to the offenses charged in Counts One and Three of the Information that the Defendant personally obtained, and property involved in the offenses charged in Counts Two and Four of the Information:

- a. \$37,559.10 in United States currency, from Bank of America account 4880-4545-1951 in the name of MMJX Consulting, Inc. and controlled by Maria Bokaris;
- b. \$10,000 in United States currency, from Bank of America account 570-76519 in the name of Michael Pajackowski and Maria Bokaris, i/t/f Dimitra Pajackowski;
- c. \$10,000 in United States currency, from Bank of America account 576-76520 in the name of Michael Pajackowski and Maria Bokaris, i/t/f Xavier Pajackowski; and
- d. Any and all funds and assets in Morgan Stanley account 242-092990-057, in the name of Maria Bokaris;

(a through d, collectively, the “Specific Property”);

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Three of the Information that the Defendant personally obtained, and property involved in the offenses charged in Counts Two and Four of the Information, cannot be located upon the exercise of due diligence, with the exception of the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Olga I. Zverovich, of counsel, and the Defendant and his counsel, Matthew P. Diehr, Esq., that:

1. As a result of the offenses charged in Counts One through Four of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$6,719,164.44 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Count One and Three of the Information that the Defendant personally obtained, and property involved in the offenses charged in Counts Two and Four of the Information, shall be entered against the Defendant.

2. As a result of the offenses charged in Counts One through Four of the Information, to which the Defendant pled guilty, all of the Defendant’s right, title and interest in

the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the Defendant MICHAEL PAJACZKOWSKI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Department of Treasury, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Department of Treasury is authorized to deposit the payments on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States Department of Treasury (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

7. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, [www.forfeiture.gov](http://www.forfeiture.gov). This site incorporates the forfeiture notices that have been traditionally

published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

8. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

9. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

11. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

13. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


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14. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: \_\_\_\_\_

  
OLGA I. ZVEROVICH  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2514

07/21/2023

\_\_\_\_\_  
DATE

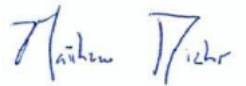
MICHAEL PAJACZKOWSKI

By: \_\_\_\_\_

MICHAEL PAJACZKOWSKI

\_\_\_\_\_  
DATE

By: \_\_\_\_\_

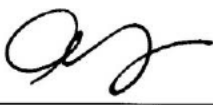
  
MATTHEW P. DIEHR, ESQ.  
Attorney for Defendant  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105

7/21/2023

\_\_\_\_\_  
DATE

SO ORDERED.

Dated: July 26, 2023  
New York, New York

  
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ANALISA TORRES  
United States District Judge

14. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

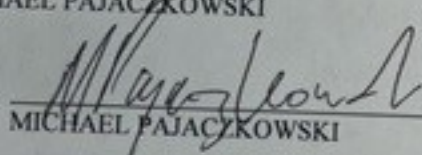
By:

\_\_\_\_\_  
OLGA I. ZVEROVICH  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2514

\_\_\_\_\_  
DATE

MICHAEL PAJACZKOWSKI

By:

  
\_\_\_\_\_  
MICHAEL PAJACZKOWSKI

7/20/2023  
\_\_\_\_\_  
DATE

By:

\_\_\_\_\_  
MATTHEW P. DIEHR, ESQ.  
Attorney for Defendant  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105

\_\_\_\_\_  
DATE

SO ORDERED:

\_\_\_\_\_  
HONORABLE ANALISA TORRES  
UNITED STATES DISTRICT JUDGE

\_\_\_\_\_  
DATE